

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

BRUCE H. BAYER,	:	
Plaintiff	:	CIVIL ACTION NO. 3:13-1900
v.	:	(MANNION, D.J.) (SCHWAB, M.J.)
POCONO MEDICAL CENTER, <u>et al.</u>,	:	
Defendants	:	
	:	

ORDER

In light of the memorandum issued in the above-captioned matter this same day, **IT IS HEREBY ORDERED THAT:**

- (1) the report and recommendation of Judge Schwab, (**Doc. [19](#)**), is **ADOPTED IN ITS ENTIRETY**;
- (2) the motion to dismiss the plaintiff's complaint filed on behalf of defendants Pocono Medical Center, Pocono Medical Center Behavioral Health Unit and Ann McDonald, (**Doc. [12](#)**), is **GRANTED** for the plaintiff's failure to state a federal claim upon which relief can be granted;
- (3) the plaintiff's amended complaint, (**Doc. [10](#)**), is **DISMISSED** *sua sponte* pursuant to 28 U.S.C. §1915(e)(2)(ii) with

respect to the remaining defendants for the plaintiff's failure to state a federal claim upon which relief can be granted;

- (4) as all federal claims have been dismissed, the court declines to exercise supplemental jurisdiction over the plaintiff's state law claim for medical malpractice; and
- (5) the Clerk of Court is directed to **MARK THIS CASE CLOSED.**

s/Malachy E. Mannion

MALACHY E. MANNION
United States District Judge

Date: July 23, 2014

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